



FEDERAL ELECTION COMMISSION

Washington, DC 20463

March 26, 1997

**Burnham J. Philbrook
Attorney and Counselor at Law
375 East Little Canada Road
Saint Paul, Minnesota 55117**

RE: AOR 1996-47

Dear Mr. Philbrook:

This letter is in reference to the subject request, including your February 6, 1997, letter concerning the factual basis for the request.

As noted in a December 2, 1996, letter the Commission received numerous letters challenging the factual basis of the National Reform Party Steering Committee's ("the Steering Committee") claim to national committee status. The majority of these letters came from Reform Party organizations or Party members based in States that the Steering Committee claimed to represent, or from Party members who conducted party building efforts with which the Steering Committee claimed an association.

With respect to five states (California, Florida, Illinois, Rhode Island and Virginia) this office received comments from individuals identified as Reform Party Chairs that disassociated themselves from the Steering Committee request. The letters were sent by Michael Farris, Chairman of the Reform Party of California on November 25, 1996; Carl Owenby, Jr. Chair of the State Executive Reform Committee of Florida on November 21, 1996; Dawn Larson, Chairwoman of the Reform Party of Illinois on November 14, 1996; June T. Spink, Chairwoman of the Reform Party of Rhode Island on November 21, 1996; and Louis S. Herrink, State Chairman of the Virginia Reform Party on January 27, 1997. With the exception of the Virginia situation, which you acknowledged in a phone conversation with office staff, your February 6, letter fails to respond to these comments. Neither have you amended or clarified the request to take into account the apparent conflict over State Party allegiances to the Steering Committee. This office also notes that while the State chairs of four other states (Delaware, Montana, New York, and North Dakota) were listed in your original submission as associated with the Steering Committee, no further comment or letter of support was received.

The response regarding support from past 1996 Reform Party candidates also indicates a need for clarification. According to publicly available sources, a total of 45 candidates ran as Reform Party candidates (or "fusion" candidates) in eight of the twelve States associated with your request. To date only six candidates from three states (three out of four candidates from Minnesota, both Reform Party candidates in Oregon and only one of the ten Reform Party candidates in California) have provided documents associating themselves with the Steering Committee's request. There has been no response from any 1996 Reform Party candidate in Illinois, Montana, New York Pennsylvania and Virginia.

Taking these factors into account and given Commission regulations at 11 CFR 112.1(a)-(c) that, *inter alia*, require a complete description of all relevant facts pertaining to each advisory opinion request, this office has therefore determined to close the file in the request without the issuing of an opinion. This action does not, however, preclude you from submitting a new request at a later date pursuant to 2 U.S.C. §437f and 11 CFR Part 112. Any further request should be complete and address the factors noted above.

If there are any questions concerning the cited regulations or this letter, please contact Mr. Marinelli, at (202) 219-3400.

Sincerely,

Lawrence M. Noble
General Counsel

BY:



N. Bradley Litchfield
Associate General Counsel